

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANNE L. MEDLEY,

Plaintiff,

v.

Case No. 16-CV-1716

**JC MORGAN CHASE and
RUSHMORE,**

Defendants.

RECOMMENDATION TO DISMISS DEFENDANT

On December 28, 2016, Anne L. Medley filed this action without the assistance of counsel, naming “JC Morgan Chase and Rushmore” as defendants. *See* Complaint, ECF No. 1. A summons was returned executed with respect to Rushmore, *see* ECF No. 2, but there is no evidence that JC Morgan Chase has been served with a copy of the Summons and Complaint.

On June 26, 2017, the Court issued a notice stating that it would dismiss JC Morgan Chase as a defendant twenty-one days from the date of the notice pursuant to E.D. Wis. Civil L. R. 41(a) for failure to effectuate service of process within the time required by Fed. R. Civ. P. 4(m). *See* Notice, ECF No. 6. More than twenty-one days have passed since the Court issued its Notice, and Ms. Medley still has not filed proof of service with respect to JC Morgan Chase. Nor is there any evidence that JC Morgan Chase has waived service under Fed. R. Civ. P. 4(d).

Because not all parties have had the opportunity to consent to magistrate judge jurisdiction, *see Coleman v. Labor & Indus. Review Comm'n*, No. 15-3254, 2017 U.S. App. LEXIS 10721, at *1–2 (7th Cir. 2017), the matter will be referred to a district judge for review of my recommendation that JC Morgan Chase be dismissed as a defendant in this action.

NOW, THEREFORE, IT IS HEREBY RECOMMENDED that JC Morgan Chase be **DISMISSED** as a defendant in this action.

Your attention is directed to 28 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P. 72(b)(2), and E.D. Wis. Gen. L. R. 72(c), whereby written objections to any recommendation herein, or part thereof, may be filed within fourteen days of service of this Recommendation. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Failure to file a timely objection with the district judge shall result in a waiver of your right to appeal. If no response or reply will be filed, please notify the Court in writing.

Dated at Milwaukee, Wisconsin, this 28th day of July, 2017.

BY THE COURT:

s/ David E. Jones
DAVID E. JONES
United States Magistrate Judge